



CITY COUNCIL

JAN SUMRALL
DISTRICT NO. 1

ROSE RODRIGUEZ
DISTRICT NO. 2

LARRY M. MEDINA
DISTRICT NO. 3

JOHN F. COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

LUIS G. SARIÑANA
DISTRICT NO. 7

ANTHONY W. COBOS
DISTRICT NO. 8

REGULAR COUNCIL MEETING
COUNCIL CHAMBERS
NOVEMBER 26, 2002
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Raymond C. Caballero present and presiding and the following Council Members answered roll call: Rose Rodriguez, John F. Cook, Daniel S. Power, Luis G. Sariñana and Anthony Cobos. Absent: Larry M. Medina. Late Arrival: Jan Sumrall and Paul J. Escobar. Meeting was called to order and a moment of silence was observed, followed by the Pledge of Allegiance to the Flag of the United States of America.

No action was taken concerning proposed Ordinance of licensing adult entertainment businesses.
(Corda Shoner, President and Carl Starr, Vice-President, ACLU-El Paso)

Mr. Corda Shoner, President of ACLU-El Paso and Mr. Carl Starr, Vice-President of ACLU-El Paso, commented respectively.

Motion made by Representative Cook, seconded by Representative Sumrall and unanimously carried to delete the discussion and action on the Cheryl Ladd property. (Robert Barragan)

Representatives Sumrall and Escobar were not present for the vote.

No action was taken on the Statement on trash pickup. (Esther Perez)

Ms. Esther Perez, citizen, commented on the illegal dumping.

Ms. Emma Acosta, Director of Solid Waste Management, explained that it takes one to ten days for Solid Waste Management to respond to illegal dumping complaints.

Mayor Caballero and Representative Cook thanked and commended Ms. Perez for her involvement with the neighborhood clean up.

Representative Sariñana commended the Solid Waste Management Department for their work.

MAYOR'S PROCLAMATIONS

1. Lt. John Lanahan Conquistador Award
2. Honorary Citizenship Certificate for Sandra Ray Ling Chen
3. Office of Comptroller - Achievement and Excellence Proclamation

Motion made by Representative Sariñana, seconded by Representative Cobos and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted.
(Items approved, postponed or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {*}).

Representative Power was not present for the vote.

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*Motion made, seconded and unanimously carried to excuse Representative Medina from the Regular Council Meeting of November 26, 2002.

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Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Director of the Solid Waste Management be authorized to sign a Short Term Vehicle Lease Agreement between the City of El Paso and APSCO to lease a Golf Cart with a Cargo Bed for three days, in conjunction with the City of El Paso Solid Waste Management's participation in Las Palmas Del Sol Sun Bowl Parade, November 28, 2002.

Ms. Lisa Turner, citizen, questioned why the City could not use a small pick-up truck instead of leasing a golf cart.

Ms. Emma Acosta, Director of Solid Waste Management, explained the safety issues involved in using a pick-up truck.

Motion made by Representative Sariñana, seconded by Representative Escobar and unanimously carried to approve the above Resolution.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Lease between the City of El Paso, Texas (Lessor) and Southwest-Tex Leasing Corp dba Advantage Rent-A-Car (Lessee), for a portion of Lot 4, Block 1-C, El Paso International Airport Tracts, Unit 6, City of El Paso, El Paso County, Texas, municipally known and numbered as 6535 De Havilland.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Temporary Land Use Lease between the City of El Paso, Texas (Lessor) and Midwest Car Corporation dba National Car Rental (Lessee), for a portion of Ascarate Grant, Block 2, and a portion of Tract 3-B, El Paso International Airport Tracts, City of El Paso, El Paso County, Texas, containing approximately 37,618 square feet.

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a release of lien on the following property (legal description on file in the City Clerk's Office) for consideration paid to the City in full satisfaction of amount owed pursuant to this sanitation lien for:

	<u>Lien</u>	<u>Interest</u>	<u>Total Paid</u>
5645 Costa Blanca Place	\$148.51	\$140.76	\$289.27

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Motion made, seconded and unanimously carried to move to the forefront and to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the Articles of Agreement between the CITY OF EL PASO and LOCAL 51, INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS for the contract period covering November 26, 2002 through September 30, 2005.

Ms. Guadalupe Cuellar, Assistant City Attorney, explained the particulars.

At this time, Mayor Caballero and Mr. Rafael Torres, President of the Local 51, International Association of Fire Fighters, signed the contracts.

Motion made by Representative Sariñana, seconded by Representative Escobar and unanimously carried to approve the above Resolution.

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign and submit the Federal Annual Certification Report to the U.S. Department of Justice for fiscal year 2002 relating to the accounting of federal equitable sharing funds (confiscated funds).

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Federal Equitable Sharing Agreement (year 2003 form) between the City of El Paso and the United States of America, Department of Justice, which sets forth the procedures and requirements for participation by the Police Department in the federal equitable sharing program (confiscated funds), effective through September 30, 2005.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Interlocal Governmental Agreement by and between the City of El Paso and the County of El Paso, a political subdivision of the State of Texas, for the implementation of the SHOCAP Task Force in conjunction with a Juvenile Justice Accountability Grant from the Office of the Governor, Criminal Justice Division. The City will pass grant funds through to the County for a portion of the County Attorney's costs in prosecuting juvenile offenders and for public education and for a full-time tracker and the provision of services by the Juvenile Probation Department.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign and submit a grant application, including all understandings and assurances contained therein, to the Office of the Governor, Criminal Justice Division for Victims of Crime Act (VOCA) grant funds in the amount of \$61,457.00 to pay for personnel and supply costs to continue the Victim Services Response Team of the El Paso Police Department. Matching funds required in the amount of \$9,771.00. In-kind match required in the amount of \$6,517.00. The Grant Officials will be as named within the application.

That the El Paso City Council agrees in the event of loss or misuse of Victims of Crime Act Grant funds, the funds will be returned to the Office of the Governor, Criminal Justice Division, in full.

Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Memorandum of Understanding between the CITY OF EL PASO and the EL PASO MUNICIPAL POLICE OFFICERS' ASSOCIATION to amend the Articles of Agreement between the City and the Association to allow active duty police officers enrolled in the City's Self Funded Health Benefit Plan to use the City's Wellness Centers.

Mr. Bill Chapman, Deputy CAO of Financial and Administrative Services/Chief Financial Officer, explained the particulars.

Representative Sumrall questioned if employees will be paying for the move.

Mr. Chapman explained that the same rate applies to all employees.

Representative Escobar questioned if a performance audit would be completed for work verses absences.

Ms. Lisa Turner, citizen, questioned if there would be additional cost to the City.

Mr. Chapman, explained there would be no additional cost to the City and that it is a fixed cost so that Police Officers can use the Wellness Centers.

Motion made by Representative Cook, seconded by Representative Cobos and unanimously carried to approve the above Resolution.

NOTE: This Resolution was considered together with the next approved Resolution for Physicians Healthcare Associates (PHA).

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Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an amendment to the License Agreement between Physicians Healthcare Associates (PHA) and the City to allow active duty police officers enrolled in the City's Self-Funded Health Benefit Plan to use the PHA health care clinics.

See discussion on the previous approved Resolution for the El Paso Municipal Police Officers' Association.

Motion made by Representative Cook, seconded by Representative Cobos and unanimously carried to move to approve above Resolution.

NOTE: This Resolution was considered together with the next approved Resolution for the El Paso Municipal Police Officers' Association.

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***RESOLUTION**

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN INSTRUMENT GRANTING AN UNDERGROUND AND TRANSFORMER ELECTRICAL EASEMENT TO THE EL PASO ELECTRIC COMPANY FOR THE PURPOSE OF PROVIDING ELECTRICAL SERVICE TO A TANK SITE LOCATED NEAR MONTWOOD DRIVE AND JOAN FRANCIS DRIVE. SAID PROPERTY MORE PARTICULARLY DESCRIBED AS A PORTION OF TRACT 219, SECTION 4, BLOCK 79, TOWNSHIP 3, TEXAS AND PACIFIC RAILROAD SURVEYS, EL PASO COUNTY, TEXAS.

WHEREAS, October 9, 2002, the El Paso Water Utilities Public Service Board (PSB), passed a Resolution requesting the City of El Paso grant an underground and transformer electrical easement for the purpose of providing electrical service to a tank site near Montwood Drive and Joan Francis Drive in a portion of Tract 219, Section 4, Block 79, Township 3, Texas and Pacific Railroad Surveys, El Paso County, Texas, and

WHEREAS, the City Council finds it to be in the public interest to grand an underground and transformer electrical easement for service to a tank site; NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:

The Mayor is hereby authorized to sign a document granting an underground and transformer electrical easement to the El Paso Electric company for the purpose of providing electrical service to a tank site near Montwood Drive and Joan Francis Drive in a portion of Tract 219, Section 4, Block 79, Township 3, Texas and Pacific Railroad Surveys, El Paso County, Texas.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of NINE THOUSAND AND NO/100THS DOLLARS (\$ 9,000.00 - \$8,400 loan/\$600 grant) against the following described real property:

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City; and that the City Comptroller issue a refund check resulting from an overpayment on the loan for the amount of SIXTEEN AND 54/100THS DOLLARS (\$16.54).

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

Lots 13 through 16, inclusive, Block 22, FRENCH ADDITION, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on file in Book 10, Page 5, Plat Records of El Paso County, Texas; also known and numbered as 4301 Wyoming Avenue, El Paso, Texas 79903.

*RESOLUTION

Lot 1944, Block 65, MOUNTAIN VIEW ADDITION, an Addition to the City of El Paso, El Paso County, Texas, according to the map and plat thereof on file in Volume 1, Page 24, Plat Records of El Paso County, Texas; also known and numbered as 9024 Mt. Delano Drive, El Paso, Texas 79904.

***RESOLUTION**

That the Library Director be authorized to sign an Exhibit Contract with Guadalupe V. Jessie for an exhibit of "Oil, Acrylic & Water Paintings" at the Westside Branch of the El Paso Public Library System for the month of December 2002. This exhibition is at no cost to the City.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Library Director be authorized to sign an Exhibit Contract with Rosalinda Gonzalez for an exhibit of "handcrafted sweaters" at the Lower Valley Branch of the El Paso Public Library System for the period of January 2, 2003, through January 31, 2003. This exhibition is at no cost to the City.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Library Director be authorized to sign a contract with The Piatigorsky Foundation covering a series of concerts to be performed at the Main Library and six Branch Libraries in accordance with the following schedule:

December 3	Ysleta Branch
December 4	Westside Branch
December 7	Main Library
December 7	Irving Schwartz Branch
December 8	Richard Burges Branch
December 10	Memorial Branch
December 11	Armijo Branch

The cost to the City for this contract is \$650; the Friends Groups for the Ysleta, Westside, Irving Schwartz and Memorial Branch libraries are covering the remaining cost of \$800.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the following special events agreement for space in the El Paso Museum of Art. Licensee is requesting permission to serve alcohol in the premises.

Event:	Banquet
Licensee:	The Institute of Electrical & Electronic Engineers
Date:	December 7, 2002
Time:	7:00 p.m. - 10:00 p.m.
Charge for Space:	\$400.00
Charge for Staff (est.):	\$200.00
Charge for Insurance:	\$40.00
Area(s):	Lobby

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Director of the El Paso Museum of Art be authorized to sign a loan agreement on behalf of the City of El Paso, for the loan of *The Doge's Palace Seen from San Giorgio Maggiore*, by Claude Monet from The Metropolitan Museum of Art, New York.

The Metropolitan Museum of Art has agreed to loan the painting by Monet in exchange for the loan of the El Paso Museum of Art's oil on canvas by Bartolomé Esteban Murillo entitled *Ecce Homo* for their exhibition *The French Taste for Spanish Culture* to be held 2/24/03-5/25/03.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign the grant application to the Women's Sports Foundation ("the Foundation") for a grant from the Foundation's GoGirlGo Project in the amount of \$10,000 to cover a portion of the costs of the El Paso Parks and Recreation Department's Girls Fastpitch Softball Scholarship Program ("the Program") and that the Mayor be authorized to sign any required contracts and related documents accepting a grant for such amount or for any lesser amount approved by the Foundation. The Program will provide scholarships for recreational and educational opportunities to approximately 200 girls from low and very low-income families, as identified by the City of El Paso Housing Authority. No Match of City funds will be required.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following Independent Contractor contract on behalf of the Parks & Recreation Department. Funding for this contract is in Fiscal Year 2002-2003 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

GALATZAN RECREATION CENTER

DEPARTMENT ID: 51510131, ACCOUNT 502215

1. **CONTRACTOR:** Maria Renteria, Officials Youth Basketball
 DATES: December 3, 2002, thru February 15, 2003
 RATE PER GM: \$21.00
 MAXIMUM AMT: \$882.00
 CONTRACT: 2002/2003-073

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following Independent Contractor contracts on behalf of the Parks & Recreation Department. Funding for these contracts is in Fiscal Year 2002-2003 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

CAROLINA RECREATION CENTER

DEPARTMENT ID: 51510073, ACCOUNT 502214

1. **CONTRACTOR:** Marcela Macias, Ballet Instructor
 DATES: December 3, 2002, thru February 28, 2003
 RATE PER CL: \$8.80
 MAXIMUM AMT: \$528.00
 CONTRACT: 2002/2003-066
2. **CONTRACTOR:** Virginia Quiñonez, Aerobics Instructor
 DATES: December 3, 2002, thru February 28, 2003
 RATE PER CL: \$9.55
 MAXIMUM AMT: \$620.75
 CONTRACT: 2002/2003-067

3. CONTRACTOR: Maria Isabel Reyes, Folklorico Dance Instructor
 DATES: December 3, 2002, thru February 28, 2003
 RATE PER CL: \$8.80
 MAXIMUM AMT: \$528.00
 CONTRACT: 2002/2003-068

4. CONTRACTOR: Rebecca Becerra, Aerobic Instructor
 DATES: December 3, 2002, thru February 28, 2003
 RATE PER CL: \$15.70
 MAXIMUM AMT: \$973.40
 CONTRACT: 2002/2003-069

5. CONTRACTOR: Ricardo Lerma, Boxing Skills Instructor
 DATES: December 3, 2002, thru February 28, 2003
 RATE PER CL: \$10.30
 MAXIMUM AMT: \$669.50
 CONTRACT: 2002/2003-070

6. CONTRACTOR: Consuelo Sanchez, Body Toning Instructor
 DATES: December 3, 2002, thru February 28, 2003
 RATE PER CL: \$9.55
 MAXIMUM AMT: \$372.45
 CONTRACT: 2002/2003-071

7. CONTRACTOR: David Martinez, Guitar Instructor
 DATES: December 23, 2002, thru February 28, 2003
 RATE PER CL: \$13.70
 MAXIMUM AMT: \$356.20
 CONTRACT: 2002/2003-072

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Graduate Intern Employment Contract between the **CITY OF EL PASO** and **LENA E. HUERECA**, as a Graduate Intern for Comptroller's Department at the rate of \$8.25 per hour, for a minimum of 20 hours per week not to exceed 30 hours per week. The term of the contract is from December 20, 2002 through May 19, 2003.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Personal Services Contract between the **CITY OF EL PASO** and **CINDY DURAN** to assist the Police Department as a CRT Case Manager at an hourly rate of \$12.50 for 40 hours per week. The contract period is from December 13, 2002 through June 30, 2003.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement with **GODINA AUTO BODY AND PAINT** to lease the company One (1) 4 Cubic Yard Dumpster for a service fee of \$15.00 for each month for the purpose of collecting the company's recyclable materials in conjunction with the Department of Solid Waste Management's recycling program.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement with TEXAS STAR BEVERAGES to lease the company One (1) 4 Cubic Yard Dumpster for a service fee of \$15.00 for each month for the purpose of collecting the company's recyclable materials in conjunction with the Department of Solid Waste Management's recycling program.

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Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign a Contract between the City of El Paso and Keep El Paso Beautiful, Inc. in the amount of \$40,000.00 whereby Keep El Paso Beautiful, Inc. agrees to perform services, including educating the community about long-term benefits of developing and maintaining a clean and healthy community for the period beginning at the execution of this contract through August 31, 2003, subject to Civil Services Commission approval.

Ms. Lisa Turner, citizen, questioned who were the officers of this corporation and if this is a profit or non-profit organization.

Ms. Katherine Palafox, Executive Director of Keep El Paso Beautiful Inc., explained what the organization does and gave the officers names.

Representative Cobos questioned the expenses of the organization.

Ms. Palafox answered questions on expenses.

Ms. Emma Acosta, Director of Solid Waste Management, gave more details on what the organization does.

Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to approve the above Resolution.

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***NOTICE**

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 17th day of December, 2002 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether City Council order of February 19th, 2002 regarding the property at 148-150 N. Brown Street, in El Paso, Texas, which property is more particularly described as:

Lots: S 75 Ft. of 1 to 3 and 75 Ft. of W 15 Ft. of 4, Block 32, Franklin Heights

has been complied with and if council order has not been complied with to determine penalties.

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According to the real property records of the County of El Paso, Texas, Carlos Escobedo, 10540 Kendall Street, El Paso, Texas 79924, is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place.

If the Owner fails, neglects or refuses to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner shows that the property is the Owner's lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

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*Motion made, seconded and unanimously carried that the street and drainage improvements in the following subdivision be accepted for maintenance by the City. The improvements within the stated limits have been completed in accordance with the approved plans and specifications.

Subdivision: Pueblo Montana Unit Two
Owner/Developer: Tropicana Homes, Inc.
Consultant: Moreno Cardenas Inc.

Street Improvements:

Trina Place – from the south property line of Abigail Street to the north property line of Hosea Street; and from the south property line of Hosea Street to the South subdivision boundary line

Hosea Street - from the northeast property line between Lots 24 and 25, Block 4 to the Northwest property line between Lots 27 and 28, Block 1

Leticia Street - from the northeast property line between Lots 24 and 25, Block 4 to the North subdivision boundary line

Exodus Street - from the northwest property line between Lots 27 and 28, Block 1 to the Southwest property line between Lots 40 and 41, Block 1

Abigail Street - from the southwest property line between Lots 40 and 41, Block 11 to the east property line of Leticia Street

Drainage Improvements:
Surface Drainage

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*Motion made, seconded and unanimously carried to approve the request to fill the following positions on a temporary basis in accordance with Article VI, Section 6.6-3, of the Civil Service Charter Provisions:

- A. Library Assistant (1)
- B. Police Records Specialist III (1)
- C. Recreation Leader II (6)
- D. Recreation Specialist (1)

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*Motion made, seconded and unanimously carried to approve the following provisional appointments in accordance with Article VI, Section 6.6-2, of the Civil Service Charter Provisions:

- A. Cashier II (1)
- B. Coach Mechanic I (1)
- C. Personnel/Payroll Coordinator (1)

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*Motion made, seconded and unanimously carried to approve the Staffing Table Change for Municipal Services

Add	1.00	Energy Manager	PM 80
Del	1.00	Elec. Engineer Assoc. II	PM 78

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*Motion made, seconded and unanimously carried to approve the Staffing Table Change for Solid Waste Management

Add	1.00	Solid Waste Operation Superintendent	GS 26
Del	1.00	Sanitation Officer	GS 21

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*Motion made, seconded and unanimously carried to approve the Staffing Table Change for Streets Department

Del	1.00	Labor Foreman I	GS 13
Del	3.00	Laborer	GS 7
Add	5.00	Street Resurfacing Inspector	GS 14
Del	1.00	Equipment Operator	GS 11

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*Motion made, seconded and unanimously carried to approve the Staffing Table Change for Airport

Add	1.00	Electronics Technician	GS 19
Del	1.00	Airport Maintenance Worker	GS 13

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*Motion made, seconded and unanimously carried to approve the request from Bertha Hernandez, of the El Paso Water Utilities Department for Special Sick Leave.

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*Motion made, seconded and unanimously carried to re-appoint Kenneth "Ken" Gezelius to the Building Board of Appeals by Representative Cook.

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*Motion made, seconded and unanimously carried to re-appoint Matthew F. Carroll to the Citizens' Advisory Committee for the Mass Transit Department by Representative Cook.

*Motion made, seconded and unanimously carried to re-appoint John A. Bielawski to the El Paso Fire Department Medical Services (FMS) Policy Board by Representative Cook.

*Motion made, seconded and unanimously carried to re-appoint Alan H. Tyroch, M.D. to the El Paso Fire Department Medical Services Policy Board by Representative Cobos.

*Motion made, seconded and unanimously carried that the following installment agreements for AD VALOREM taxes be approved in the amount shown and that the Mayor be authorized to sign said agreements on behalf of the City:

- A. PID # C518-999-1440-5700, \$339.95 per month installments on a balance of \$12,238.20 for 1999, 2000 & 2001; Alfonso A & Judy A Cabrera – 9265 Mc Fall.
- B. PID # C518-999-0290-5200, \$3,317.07 per month installments on a balance of \$19,902.42 for 2000 & 2001; Computer Technology Associates – 1515 Cessna.
- C. PID # U819-999-011B-5650 & U819-999-011D-5800, \$134.12 per month installments on a balance of \$4,828.32 for 1997, 1998, 1999 & 2000; Humberto Blanco – No address assigned.
- D. PID # P677-999-0030-5300, \$679.88 per month installments on a balance of \$4,079.28 for 2000 & 2001; Agustin & Yvonne S Vargas – 8492 Lasso Cir.
- E. PID # L521-999-001C-5900, \$204.96 per month installments on a balance of \$7,378.56 for 1998, 1999, 2000 & 2001; Richard & Rosa A Aguirre – 916 Lomita Dr.

Motion made, seconded and unanimously carried to move to the regular agenda the following:

Motion made by Representative Cook, seconded by Representative Rodriguez and unanimously carried to allocate \$400.00 from District 2 Discretionary Fund to purchase items for the children's program at the Memorial Park Library in December.

Ms. Lisa Turner, citizen, questioned the funding source and if this was budgeted. She explained that she understood that discretionary funds were to be used for streetlights, etc.

Mayor Caballero explained that Council has approved a number of streetlights using discretionary funds.

Mr. Charlie McNabb, Chief Administrative Officer, explained that discretionary funds can be used when constituents ask for additional things and explained the budget process.

NOTE: Language on the request was revised.

Motion made, seconded and unanimously carried to move to the regular agenda the following:

Motion made by Representative Cook, seconded by Representative Sumrall and unanimously carried to authorize the Director of Purchasing to exercise the City's option to extend the term of the contract, for one (1) additional year, from February 1, 2003, through January 31, 2004, pursuant to the provisions of contract 1999-38-022R, 800MHZ Trunked Simulcast Radio System/800 MHZ Conventional System Fixed Equipment Maintenance, with Motorola Communications for Fixed Equipment, \$295,620.00 estimated annual and Radio Technologies Communications for Microwave Equipment, \$201,780.00 estimated annual.

Furthermore, it is requested that staff be authorized to negotiate, Legal to review and that the Mayor be authorized to sign any and all additional documents and/or agreements as necessary.

Price increases will be permitted during the two (2) optional periods based on the Consumer Price Index or 4.5%, whichever is lesser.

Option No.: TWO [OF TWO]
Department: Communications
Account No.: 502229
Funding Source: 01101 General Funds
Total Amount: \$497,400.00 Estimated Annually

Ms Lisa Turner, citizen, questioned if it would be less expensive to go out and rebid contract.

Mr. Byron Johnson, Purchasing Director, commented on the particulars.

NOTE: This request was considered together with the next request for Contract No. 1999-99-121.

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Motion made, seconded and unanimously carried to move to the regular agenda the following:

Motion made Representative Cook, seconded by Representative Sumrall and unanimously carried to authorize the Director of Purchasing to exercise the City's option to extend Contract No. 1999-99-121 between the City of El Paso and R.T.C., Inc. for the 450 MHZ Conventional Repeater System Maintenance Service, for Fixed and Subscriber Equipment, for various City departments, for one (1) additional year starting March 31, 2003 and ending March 30, 2004, under the same terms and conditions.

Furthermore, it is requested that staff be authorized to negotiate, Legal to review and that the Mayor be authorized to sign any and all additional documents and/or agreements as necessary.

Prices increases will be permitted during the two (2) optional periods based on the Consumer Price Index or 4.5%, whichever is lesser.

Department: Communications
Funds Available: Various
Funding Source: Various
Amount: \$64,000.00 Annual Estimate

See discussion on the previous approved request for contract 1999-38-022R.

NOTE: This request was considered together with the next request for contract 1999-38-022R.

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*Motion made, seconded and unanimously carried to award Bid No. 2003-030 Conference Room Furnishings.

Award to: Business Interiors
El Paso, Texas
Item (s): Group I, Items 1 – 9
Group II, Items 1 - 6
Amount: \$24,956.80

Department: Police
Funds available: 21150060-16411-P500232-508008
Funding source: State Confiscated Funds
Total award: \$24,956.80

The Police and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

This is a fixed-price, single (one-time) purchase, to purchase Conference Room Furnishings. There is an option to purchase up to one hundred percent (100%) of the original contract quantities, at the same unit price, if the option is exercised within ninety (90) days from the date of award of the contract. No prompt payment discount is offered.

.....

Motion made, seconded and unanimously carried to move to the regular agenda the following:

Motion made Representative Cook, seconded by Representative Power and unanimously carried to award Bid No.2003-033 Pavo Real Recreation Center A.D.A. Ramps.

Contractor: Sun City Builders, Inc.
Las Cruces, NM
Department: Parks & Recreation Department
Funds Available: 31250202/PPW0050001/27216/508027
Funding Source: Public Works FY 2002
Items: Base Bid I \$106,500.00
Total Award: \$106,500.00

The Departments of Purchasing, Engineering and Street Department recommend the award of this contract to Sun City Builders Inc. the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the City Engineer, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

Ms. Lisa Turner, citizen, questioned the 33% gap from the lowest bid and asked if the company provides insurance benefits for its employees.

Mr. Byron Johnson, Purchasing Director, explained the City's ability to contract immediately and that the company is not required to provide insurance benefits since it is for the construction of a facility.

.....
*Motion made, seconded and unanimously carried to approve budget transfer BT2003-118 MUNICIPAL SERVICES

To transfer appropriations from Municipal Services Dept to Engineering Dept for project PPW0047, TXDOT Traffic Management Center. TXDOT provides 80% of the funding (5.6fte) for seven positions overseen by the Engineering Traffic Division and those positions should be located in the Engineering Department.

Decrease	\$193,353	from	31255002/PPW004727690/501000	Non Unif Wages
Increase	\$193,353	to	35255002/PPW004727690/501000	Non Unif Wages
Decrease	\$ 1,658	from	31255002/PPW004727690/501007	Longevity
Increase	\$ 1,658	to	35255002/PPW004727690/501007	Longevity
Decrease	\$ 7,991	from	31255002/PPW004727690/501100	Wrkrs Comp
Increase	\$ 7,991	to	35255002/PPW004727690/501100	Wrkrs Comp
Decrease	\$ 18,572	from	31255002/PPW004727690/501108	POS City
Increase	\$ 18,572	to	35255002/PPW004727690/501108	POS City
Decrease	\$ 186	from	31255002/PPW004727690/501114	Life Insurance
Increase	\$ 186	to	35255002/PPW004727690/501114	Life Insurance
Decrease	\$ 19,784	from	31255002/PPW004727690/501124	CityPensionPlan
Increase	\$ 19,784	to	35255002/PPW004727690/501124	CityPensionPlan
Decrease	\$ 11,967	from	31255002/PPW004727690/501129	FICACityMatch
Increase	\$ 11,967	to	35255002/PPW004727690/501129	FICACityMatch
Decrease	\$ 2,799	from	31255002/PPW004727690/501130	FICAMedCMat
Increase	\$ 2,799	to	35255002/PPW004727690/501130	FICAMedCMat

*Motion made, seconded and unanimously carried to approve the following Building Permits and Inspections refunds:

- A. Building permit refund to Ricardo Peña in the amount of \$60.00.
- B. Building permit refund to Rockford Enterprise Inc. in the amount of \$613.00.

.....
*Motion made, seconded and unanimously carried to approve the request of Cathedral High School to hold a parade on Wednesday, November 27, 2002 from 10:00 a.m. to 11:00 a.m. Route: Start at corner of Kerbey and Stanton, proceed on Stanton and finish at Cathedral High School Parking Lot. Approximately 50 persons and 20 vehicles will take part and 400 spectators are anticipated. PERMIT NO. 02-188.

.....
*Motion made, seconded and unanimously carried to approve the request of El Paso Central Business Association to use amplification (1 microphone, 2 speakers) on December 19, 2002 from 6:00 p.m. to 7:30 p.m. at San Jacinto Plaza stage for the 12 Days of Christmas 11th Posada. Approximately 10 persons will be using amplification and 200 spectators are anticipated. PERMIT NO. 02-183.

.....
*Motion made, seconded and unanimously carried to approve the request of KRHO F.M. 94.7 (HERO Radio) to block off Anthony between Western and San Francisco on December 7, 2002 from 10:00 a.m. to 9:00 p.m. for a block party. Approximately 50 persons will take part and 500 spectators are anticipated. Barricades must be manned according the State's "Manual of Uniform Traffic Control Devices". PERMIT NO. 02-186

.....
*Motion made, seconded and unanimously carried to approve the request of Maria Eva Guadalupe to block off 9309 Montgomery between Wren and Joe Herrera on December 1, 2002 from 11:30 a.m. to 3:30 p.m. for a block party (matachines). Approximately 110 persons will take part and 20 spectators are anticipated. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices". PERMIT NO. 02-184

.....
*Motion made, seconded and unanimously carried to approve the request of Maria I. Rodriguez to block off Edinburg between Alcan and McCombs on December 7, 2002 from 3:30 p.m. to 7:00 p.m. for a block party. Approximately 60 persons will take part and 40 spectators are anticipated. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices". PERMIT NO. 02-185

.....
*Motion made, seconded and unanimously carried to approve the request of Our Lady of Guadalupe Church to hold a procession on December 7, 2002 from 4:30 a.m. to 6:30 a.m. Route: Start at 4621 Hastings (St. Anthony's Seminary), west on Hastings, left on Marr, right on Altura, right on Alabama, left on Nashville, end at Our Lady of Guadalupe Church (2709 Alabama). Approximately 300 persons will take part. PERMIT NO. 02-187

.....
*Motion made, seconded and unanimously carried to postpone until the Regular City Council Meeting of December 10, 2002 (2 weeks) an Ordinance repealing Ordinance 14999, which created Tax Incremental Finance (TIF) District #3.

.....
*Motion made, seconded and unanimously carried to postpone until the Regular City Council Meeting of December 10, 2002 (2 weeks) an Ordinance amending Ordinance No. 14996 (which created Tax Increment Financing District Number Two (No. 2), by amending Section 9.1 concerning the composition of the Board of Directors and Section 12 concerning the taxes to be included in the Tax Increment Fund, and providing a severability clause.

*Motion made, seconded and unanimously carried to postpone until the Regular City Council Meeting of December 10, 2002 (2 weeks) an Ordinance amending Ordinance No. 14999 (which created Tax Increment Financing District Number Three (No. 3), by amending Section 9.1 concerning the composition of the Board of Directors and Section 12 concerning the taxes to be included in the Tax Increment Fund, and providing a severability clause.

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ORDINANCE 15294

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE LEASE OF THE WASHINGTON PARK SENIOR CITIZEN CENTER TO THE WASHINGTON PARK SENIOR ADVISORY COMMITTEE, INC., TO CONDUCT BINGO FOR THE BENEFIT OF SENIOR CITIZENS.**

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Escobar, seconded by Representative Cobos, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

- AYES: Representatives Sumrall, Rodriguez, Cook, Power, Escobar, Sariñana and Cobos
NAYS: None ABSENT: Council Member Medina

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
ORDINANCE 15295

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE TO THE CENTRAL BUSINESS ASSOCIATION OF EL PASO, INC., TO PERMIT TEMPORARY SIDEWALK VENDING FOR PARTICIPATING MERCHANTS WITHIN CERTAIN PUBLIC RIGHTS-OF-WAY IN DOWNTOWN EL PASO FROM NOVEMBER 27, 2002 THROUGH JULY 3, 2003.**

Representative Rodriguez questioned how the figure of \$59.13 was achieved.

Ms. Patricia D. Aauto, Director of Planning, Research and Development, explained that the \$59.13 is a pro-rated amount.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cobos, seconded by Representative Sariñana, that the Ordinance be approved. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

- AYES: Representatives Sumrall, Rodriguez, Cook, Power, Escobar, Sariñana and Cobos
NAYS: None ABSENT: Council Member Medina

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....

ORDINANCE 15296

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE TO JOE HERNANDEZ TO PERMIT TEMPORARY SIDEWALK VENDING WITHIN A PORTION OF PUBLIC RIGHT-OF-WAY LOCATED AT 814-B SOUTH EL PASO STREET FROM NOVEMBER 27, 2002 THROUGH JULY 3, 2003**

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cobos, seconded by Representative Escobar, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Sumrall, Rodriguez, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None ABSENT: Council Member Medina

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
*Motion made by Representative Cobos, seconded by Representative Sumrall and unanimously carried to postpone one (1) week An Ordinance changing the zoning of Lots 15 & 16, Block 86, FRANKLIN HEIGHTS ADDITION, El Paso, El Paso County, Texas (1207 Arizona Avenue) from R-5 (Residential) to S-D (Special Development). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant/Representative: Charles Alcantar, 1155 Westmoreland, Suite 107, El Paso, TX 79925. ZC-02031

Representative Cobos questioned if there was any opposition.

Ms. Patricia D. Adatao, Director of Planning, Research and Development, explained there were three (3) letters of opposition and that the proposed use is for offices.

.....
Motion made by Representative Cook, seconded by Representative Cobos and carried to postpone one (1) week An Ordinance changing the zoning of Lot 4-A, Block 2, PARK WEST UNIT 2, REPLAT 'A', El Paso, El Paso County, Texas (5700 Cromo Drive) from A-3/O/sc (Apartment-Office High Density/special contract) to C-1/sc (Commercial/special contract). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: A. Winston Puig/ Representative: Michael F. Ainsa, 5809 Acacia Circle, El Paso, TX 79912. ZC-02037

Representative Sumrall voted nay.

Representative Sumrall stated that she received many phone calls in opposition.

Ms. Pat Adatao, Director of Planning, Research and Development, stated that her department only received one letter of opposition.

.....
ORDINANCE 15297

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOT 6, BLOCK 131, CHAPARRAL PARK UNIT 29, EL PASO, EL PASO COUNTY, TEXAS (BELVIDERE STREET AT MISSION VIEJO DRIVE) FROM A-2 (APARTMENT) TO C-1 (COMMERCIAL) AND A-O (APARTMENT-OFFICE) AS DESCRIBED HEREIN. THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

Ms Patricia D. Adauto, Director of Planning, Research and Development, gave the particulars.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Sumrall, seconded by Representative Cook, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows

AYES: Representatives Sumrall, Rodriguez, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None ABSENT: Council Member Medina

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
ORDINANCE 15298

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. SU-02019, TO ALLOW FOR A CHURCH ON A SITE OF LESS THAN THREE ACRES ON LOTS 1, 2, 30, 31, 32 & 33, BLOCK 11, SAHARA SUBDIVISION, EL PASO, EL PASO COUNTY, TEXAS (5700 ALADDIN AVENUE) PURSUANT TO SECTION 20.14.040.K. (ZONING) OF THE EL PASO MUNICIPAL CODE.**

Ms. Patricia D. Adauto, Director of Planning, Research and Development, gave the particulars.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cook, seconded by Representative Sumrall, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Sumrall, Rodriguez, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None ABSENT: Council Member Medina

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
*Motion made, seconded and unanimously carried to delete the public hearing to determine if the property located at 704 N. Campbell Street in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owner of record as of March 18, 2002, Carmen Breach De Valenzuela, 7049 Westwind Drive #1313, El Paso, Texas 79912, and also P. O. Box 13045, El Paso, Texas 79913, has been notified of the violations at this property.

.....
*Motion made, seconded and unanimously carried to postpone one (1) week the public hearing to determine if the property located at 105 N. Oregon St., in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owner of record as of June 13th 2002, Caples Land Company L.L.C., C/O William D. Abraham, President, 717 East San Antonio Ave., El Paso, Texas 79902, has been notified of the violations at this property. As of September 17, 2002, \$77,763.55 is owed in taxes. As of November 20, 2002 \$78,717.62 is owed in delinquent taxes.

RESOLUTION

WHEREAS, the Director for Building Permits and Inspections and the Fire Marshal of the City of El Paso have conducted an investigation and have reported to the City Council in writing that they are of the opinion that the structure located on the property at 7563 Hacienda Avenue, in El Paso, Texas, which property is more particularly described as follows:

Lot: 13, Block 1, Hacienda Heights

is dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in Titles 17 and 18 of the Municipal Code which are adopted and incorporated by reference into Section 18.52; and

WHEREAS, Floyd & Effie Brown, 7563 Hacienda Avenue, El Paso, Texas 79915, record Owners, and all mortgages and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on November 26th, 2002; and

WHEREAS, NO ONE, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:
 - a. That the structure located on said property is condemned as substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
 - b. That the structure is not in substantial compliance with municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
 - c. The structure's certificate of occupancy is hereby revoked; and
 - d. That the structure cannot feasibly be repaired.
2. That the City Council hereby orders Owners to comply with the following requirements:
 - a. That the Building be secured within (30) days; and
 - b. That the premises be cleaned of all weeds, trash and debris within (30) days; and
 - c. That a public hearing be scheduled for January 28th, 2003 in the City Council Chambers, to determine, if the Council order has been complied with and, if not, to determine penalties; and
 - d. That the Owners of said Building are hereby ordered to comply with all requirements of the Resolution; and
 - e. The owners are advised that in order to obtain a new certificate of occupancy, the entire building and its service systems must be brought into compliance with the current codes.
 - f. That upon failure of the Owners to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to secure the Building and maintain the Building secure and clean the premises of all weeds, trash, and debris; and
3. That upon failure of the Owners to comply with this Order, the City of El Paso through its Director for Building Permits and Inspections shall secure the Building and maintain the Building secure and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owners of said property; and

4. That said Owners shall become personally liable for all costs incurred by City in connection with securing and maintaining the Building secure and cleaning the premises of all weeds, trash and debris; and
5. That the costs incurred by the City in connection with the cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
6. That upon failure of the Owners to comply with this Order, one or all of the following actions will be taken:
 - a. The City will perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owners of said property, the cost of which shall be assessed as a lien against the property; and
 - b. That upon failure of the Owners to comply with this order the City Council may assess a civil penalty against the property Owners in an amount not to exceed \$1,000.00 a day for each violation or, if the Owners show that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
 - c. That upon failure of the Owners to comply with this order, the Owners may be confined in jail as permitted by state law; and
7. That upon failure of the Owners, any mortgages or lienholders to restore the Building so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
8. The Owners, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owners and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. the affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Mr. Thomas Maguire, Building Permits and Inspections, presented the case to Council Members and gave the department's recommendation(s).

The City Clerk called for public comment. There was no public comment.

Motion made by Representative Sariñana, seconded by Representative Cobos and unanimously carried to approve the above Resolution.

Representative Sumrall was not present for the vote.

*Motion made, seconded and unanimously carried to delete the public hearing to determine if the Council Resolution of October 1, 2002, for the property located at 1612 N. Oregon Street, in the City of El Paso (legal description on file with the City Clerk) has been complied with and to determine penalties if the Council Order has not been complied with. The owner of this property, Zafer H. Haydar, 1700 N. Oregon Street, Suite 630, El Paso, TX 79902, has been notified of the violations at this property.

.....
*Motion made, seconded and unanimously carried to postpone for one (1) week the discussion and action regarding a request for the City of El Paso to consent to the creation of "Paseo Del Este" Municipal Utility Districts Nos. 1-9 located within the City's East Extraterritorial Jurisdiction.

.....
Motion made by Representative Escobar, seconded by Representative Power and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing approved:

Representatives Sumrall was not present for the vote.

- A. An Ordinance amending Ordinance 8064 (The Classification and Compensation Plan) to create the Class of **PUBLIC SAFETY COMMUNICATOR**.
- B. An Ordinance amending Ordinance 8064 (The Classification and Compensation Plan) to revise the Class of **PUBLIC SAFETY SENIOR DISPATCHER – FIRE**.
- C. An Ordinance authorizing the Mayor to sign an agreement on behalf of the City of El Paso with Keystone Heritage Park, Inc., accepting in-kind and money contributions from Keystone Heritage Park, Incorporated, imposing certain requirements, and including a lease agreement for the purpose of use and management of City-owned property including Parkland as described in the agreement.
- D. An Ordinance vacating a portion of Constitution Drive right-of-way, Sunland Commercial District Unit 4, El Paso, El Paso County, Texas.
- E. An Ordinance vacating a portion of Harkis Road adjacent to Lot 8, Block 7 and Lot 9, Block 8, Hueco View Acres, City of El Paso, El Paso County, Texas.

PUBLIC HEARING WILL BE HELD DECEMBER 10, 2002 FOR ITEMS A - E

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

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ADDITION TO THE AGENDA

*Motion made, seconded and unanimously carried to postpone one (1) week the Resolution that the City Attorney is authorized to sign a Subscription Agreement and related documents for LexisNexis research service.

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Motion made Representative Escobar, seconded by Representative Sumrall and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 10:40 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

- A. City of El Paso vs. Mark Shouse, Our File No. 02-P-05 (551.071)
- B. City of El Paso vs. Mark Torres, Our File No. 02-P-06 (551.071)
- C. George A. De Angelis vs. City of El Paso, et al., Cause No. 2000-2792, Our File No. 00-S-37 (551.071)
- D. Jesse Oberson v. City, Cause No. 2001-120, Our File No. 01-S-02 (551.071)
- E. Discussion and action regarding collection of rehabilitation loan accounts. (551.071)
- F. John and Terry Carroll, 02-COL-008 (551-071)

Section 551.071 CONSULTATION WITH ATTORNEY
 Section 551.072 DELIBERATION REGARDING REAL PROPERTY
 Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS
 Section 551.074 PERSONNEL MATTERS
 Section 551.076 DELIBERATION REGARDING SECURITY DEVICES

Motion made by Representative Escobar, seconded by Representative Sariñana and unanimously carried to adjourn the Executive Session at 11:14 a.m. and reconvene the meeting of the City Council, during which time motions were made as follows:

.....
 Motion made by Representative Sariñana, seconded by Representative Cook and unanimously carried that the City Attorney be **AUTHORIZED TO FILE LAWSUIT** entitled **City of El Paso v. Mark Shouse, Our File No. 02-P-05**, as recommended by the City Attorney.

Representative Cobos was not present for the vote.

.....
 Motion made by Representative Sariñana, seconded by Representative Cook and unanimously carried that the City Attorney be **AUTHORIZED TO FILE LAWSUIT** entitled **City of El Paso v. Mark Torres, Our File No. 02-P-06**, as recommended by the City Attorney.

Representative Cobos was not present for the vote.

.....
 Motion made Representative Sariñana, seconded by Representative Cook and unanimously carried that the City Attorney be **AUTHORIZED SETTLEMENT AUTHORITY** in the lawsuit entitled **George A. DeAngelis vs. City of El Paso, et al., Cause No. 2000-2792, Our File No. 00-S-37**, as recommended by the City Attorney.

Representative Cobos was not present for the vote.

.....
 Motion made by Representative Sariñana, seconded by Representative Cook and unanimously carried that the City Attorney be **AUTHORIZED SETTLEMENT AUTHORITY** in the lawsuit entitled **JESSE OBERSON vs. THE CITY OF ELPASO; Cause No. 2001-120; Our File No. 01-S-02**, as recommended by the City Attorney.

Representative Cobos was not present for the vote.

Motion made by Representative Sariñana, seconded by Representative Cook and unanimously carried that the City Attorney be **AUTHORIZED TO PURSUE APPEAL** in the lawsuit entitled **JESSE OBERSON vs. CITY OF EL PASO, Cause No. 2001-120; Our File No. 01-S-02**, as recommended by the City Attorney.

Representative Cobos was not present for the vote.

.....
Motion made by Representative Sariñana, seconded by Representative Sumrall and unanimously carried that the City Attorney's Office be authorized to prepare the necessary documents for re-structuring of rehabilitation loan accounts, as recommended by the City Attorney and the Department of Community and Human Development; and that the Mayor be authorized to sign any and all related documents as appropriate.

Representative Cobos was not present for the vote.

.....
No action was taken on John and Terry Carroll, 02-COL-008 (551-071)

.....
Motion made by Representative Sariñana, seconded by Representative Power and unanimously carried to adjourn this meeting at 11:17 a.m.
.....

APPROVED AS TO CONTENT:



Richarda Duffy Momsen, City Clerk